

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY SCOTT BOSMA,
Plaintiff,

v.

MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN
SERVICES et al.,
Defendants.

Case No. 24-11405
Honorable Shalina D. Kumar
Magistrate Judge Kimberly G. Altman

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 9),
DENYING PLAINTIFF’S MOTION FOR LEAVE (ECF NO. 5), AND
DISMISSING COMPLAINT WITHOUT PREJUDICE**

Plaintiff Jeffrey Scott Bosma (“Bosma”), proceeding *pro se*, sued defendant “Genesee County Michigan Department of Health and Human Services” alleging it wrongfully withheld Medicaid coverage and Medicare insurance premium payments. ECF No. 1. Bosma also filed a motion for leave to file motion to appoint counsel ECF No. 5. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 7.

On March 21, 2025, the assigned magistrate judge issued an order for Bosma to show cause why his case should not be dismissed for lack of

subject matter jurisdiction and warned that “a failure to satisfy this order may result in a recommendation that the case be dismissed without prejudice.” ECF No. 8 Bosma did not file a response to the order to show cause. Accordingly, on April 29, 2025, the magistrate judge issued a Report and Recommendation (“R&R”) recommending that the Court dismiss Bosma’s complaint without prejudice “for lack of jurisdiction because the record contains no evidence that Bosma exhausted his administrative remedies before filing this case” and deny as moot his motion to appoint counsel. *Id.*

Bosma did not file an objection to the R&R, and the time to do so has expired. See Fed. R. Civ. P. 72(b)(2). The failure to file a timely objection to an R&R constitutes a waiver of the right for further judicial review. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusion, under a *de novo* or any other standard, when neither party objects to those findings. *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373-1374 (6th Cir. 1987) (failure to file objection to R&R “waived subsequent review of the matter”); *Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (“As to the part of the report and

recommendation to which no party has objected, the Court need not conduct a review by any standard.”). However, there is some authority that a district court is required to review the R&R for clear error. See Fed. R. Civ. P. 72 Advisory Committee Note Subdivision (b) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Therefore, the Court has reviewed the R&R for clear error and finds none.

Accordingly, the Court **ADOPTS** the R&R (ECF No. 9) and Bosma’s complaint is **DISMISSED WITHOUT PREJUDICE**. Bosma’s motion for leave to file motion to appoint counsel (ECF No. 5) is **DENIED AS MOOT**.

This case is now closed.

Dated: June 5, 2025

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge